

REMARKS

Status of the claims:

With the above amendments, claim 11 has been canceled and claim 1 has been amended. Claims 1, 5-8, and 12 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. Claim 1 has been amended by the incorporation of the subject matter of claim 11, which has support at page 11, lines 17-18. Entry of the amendment and reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §112, second paragraph

Claims 1-8 and 12 are rejected under 35 USC §112, second paragraph as being indefinite. The Examiner asserts that the only method of measuring the flexural strength disclosed in the instant invention is by JIS K6911. Thus, claim 1 is indefinite in that it is unknown what other methods are used. Applicants have amended claim 1 to add the elements of claim 11. Accordingly, Applicants believe that the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

The Examiner also asserts that claim 8 should be canceled. Applicants believe that claim 8 is directed to a molded article

using the composition of claim 1, whereas claim 1 is directed to the composition itself. Thus, Applicants do not believe that claim 8 is of the same scope as claim 1. Accordingly, Applicants believe that the rejection is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

Rejections under 35 USC §102

Claims 1-8 and 12 are rejected under 35 USC §102(b) as being anticipated by Van Gasse '234 (US Patent No. 5,212,234). The Examiner asserts that because the flexural strength is indefinite for the above-stated reasons, it is not read into claim 1 and therefore does not distinguish over Van Gasse '234. Applicants have amended claim 1 to incorporate the subject matter of claim 11, which the Examiner has not rejected. Van Gasse '234 fails to disclose the flexural strength of 160 kgf/cm² or more when measured in accordance with JIS K6911. Thus, Van Gasse '234 cannot anticipate the instant invention. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, Applicants believe that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

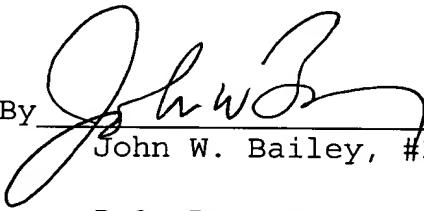
If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg.

No. 50,990), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
John W. Bailey, #32,881

BS
JWB/TBS/mua

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000